

A

PATENT
Attorney Docket No. 40572.830001.000
Express Mail Label No. EM532642177US

12/18/98
jc618 U.S. PTO

IN THE U.S. PATENT AND TRADEMARK OFFICE
PATENT APPLICATION TRANSMITTAL

jc551 U.S. PTO
09/21/98
12/18/98

Box PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is a request for filing a X Utility Design Patent Application under
37 CFR §1.53(b). This application, entitled PAINTING KIT AND RELATED METHOD

is: X an Original Nonprovisional
 a Continuation
 a Divisional
 a Continuation-in-Part

Patent Application of pending prior provisional application Serial No. filed on
 by for , from which priority is claimed.

Enclosed are:

 X An original specification, claims, drawing and Declaration and Power of Attorney.
 9 pages of specification
 3 pages of claims
 1 pages of abstract
 3 pages of color photographs

 X A Petition under 37 C.F.R. 1.84(a)(2) and (b)(2).

 A true copy of the prior application, including the specification, claims, drawings, oath or
declaration, and any amendments referred to in the oath or declaration as originally filed.
Any such amendments referred to in the oath or declaration filed to complete the prior
application did not introduce new matter therein.

 A preliminary amendment is enclosed to be entered in the new application after a filing
date has been granted.

 New formal drawings are enclosed.

 An Information Disclosure Statement and PTO-1149, with copy of cited reference.

The filing fee is calculated below:

	(Col. 1)	(Col. 2)
FOR:	NO. FILED	NO. EXTRA
BASIC FEE		
TOTAL CLAIMS	17 - 20 =	* 0
INDEP CLAIMS	2 - 3 =	* 0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED		

*If the difference in Col. 1 is less than zero, enter
"0" in Col. 2.

SMALL ENTITY	
RATE	FEE
	\$380
x 9 =	\$
x39 =	\$
x130 =	\$
TOTAL	\$380

OR
OR
OR
OR
OR
OR

OTHER THAN A SMALL ENTITY	
RATE	FEE
	\$ 760
x18 =	\$
x78 =	\$
+260 =	\$
TOTAL	\$

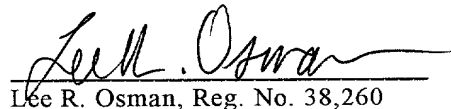
_____ has been filed in the parent application and such status has been re-determined and is still proper and desired. (37 C.F.R. 1.28(a)).

Please forward all correspondence to:

Lee R. Osman, Reg. No. 38,260
HOLLAND & HART ^{LLP}
555 Seventeenth Street, Suite 3200
P.O. Box 8749
Denver, Colorado 80201
Phone: (303) 295-8589
Fax: (303) 295-8261

Dated this 18th day of December, 1998.

Respectfully submitted,



Lee R. Osman, Reg. No. 38,260
Attorney for Applicant
HOLLAND & HART ^{LLP}
555-17th St., Suite 3200
P.O. Box 8749
Denver, Colorado 80201
(303) 295-8589

DENVER:0888634.01

PATENT
Attorney Docket No. 40572.830001.000
Express Mail Label No. EM532642177US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Elise COHEN

Serial No.

Filed: HEREWITH

For: PAINTING KIT AND RELATED METHOD

Examiner:

Art Unit:

CERTIFICATE OF MAILING BY EXPRESS MAIL

Box PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned hereby certifies that the enclosed Patent Application Transmittal; Specification, Claims and Abstract; Three (3) Sheets of Color Photographs; Petition under 37 C.F.R. 1.84(a)(2) and (b)(2); Check in the Amount of \$130.00; Combined Declaration and Power of Attorney (unsigned); Return Card; and this Certificate of Mailing by Express Mail relating to the above application, were deposited as "Express Mail," Mailing Label No. EM532642177US with the United States Postal Service, addressed to Assistant Commissioner for Patents, Box PATENT APPLICATION, Washington, D.C., 20231, on December 18, 1998.

December 18, 1998

Valerie Brown
Mailer

December 18, 1998

Lee R. Osman
Lee R. Osman, Reg. No. 38,260
Attorney for Applicant
HOLLAND & HART LLP
555-17th Street, Suite 3200
Post Office Box 8749
Denver, Colorado 80201
Telephone: (303) 295-8589
Facsimile: (303) 295-8261

DENVER:0888638.01

0888638.01

PAINTING KIT AND RELATED METHOD

FIELD OF THE INVENTION

This invention relates to a painting kit and the associated method for its use. More particularly, this invention relates to a pre-packaged painting kit for
5 use in association with an infant's posterior to create highly stylistic designs on a surface suitable for display.

BACKGROUND OF THE INVENTION

The addition of a newborn infant to a family inspires feelings of nostalgia and the related desire to create a lasting remembrance of the child's
10 infancy. There are many ways to create this lasting remembrance, including bronzing a baby shoe, photography, videography, and making hand and feet prints. These types of products satisfy the need of a remembrance, but are all either utilitarian or unfinished in nature, and are very recognizable as mementos.

15 The existing types of remembrances are easily recognizable as just that—a whole or part of a baby or infant used to create a lasting impression. There is no known kit available, or method associated therewith, to assist in creating a remembrance that results in a fine art end product which is not easily recognized as merely a remembrance.

20 It is with these goals in mind that the instant invention was created.

SUMMARY OF THE INVENTION

The present invention relates to a unique painting process and a painting kit used to practice the process. The process includes the preparation of a protective covering on a work surface, placing a background media to be
25 painted on the protective covering, placing a reservoir on the protective

covering, filling the reservoir with paint, dipping the posterior of the infant in the paint, and stamping the painted posterior on the background media to create a finished product.

The kit of the present invention includes a flat, flexible backing piece (such as cardboard), a protective cover folded into a compact size and positioned on the backing piece, a plurality of paint bottles positioned on the backing piece, a plurality of reservoirs positioned on the backing piece, a plurality of painting tools positioned on the backing piece, and a transparent plastic sheet covering the protective cover and plurality of paint bottles, reservoirs and painting tools, and attached around its peripheral edge to the backing piece. In more detail, a background media portion can also be included on the backing piece and under the plastic covering.

Other aspects, features and details of the present invention can be more completely understood by reference to the following detailed description of a preferred embodiment, taken in conjunction with the drawings, and from appended claims.

BRIEF DESCRIPTION OF THE DRAWINGS

The file of this patent contains at least one photograph executed in color. Copies of this patent with color photograph will be provided by the Patent and Trademark Office upon request and payment of the necessary fee.

Fig. 1 is a color photograph of a finished product obtained by practicing the present invention.

Fig. 2 is a flow chart representing the steps of the method of the present invention.

Fig. 3 is a flow chart of an alternative embodiment of the method of practicing the present invention resulting in a finished product like that shown in Fig. 1.

Fig. 4 is a plan view of a painting kit of the present invention with which the method of Figs. 2 and 3 may be practiced.

Fig. 5 is an exploded view of the painting kit shown in Fig. 4.

Fig. 6 is a plan view of an alternative embodiment of a painting kit of the present invention.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT OF THE INVENTION

5 The present invention is directed at a method of creating unique and distinctive products in which paint is applied to the posterior of an infant and an impression of the infant's posterior is made upon a prepared surface by stamping the painted posterior on the prepared surface. In a preferred
10 embodiment of the product created with the method of the present invention, the prepared surface or background media is a sheet of poster board onto which multiple impressions of the infant's posterior are stamped to create an abstract work of art. In an alternative embodiment, the prepared surface is a t-shirt onto which one or more impressions of the infant's posterior are placed.
15 Preferably, articles used to practice the method of the present invention are packaged in a kit, for convenient use.

A painting 10 made by practicing the method of the present invention is shown in Fig. 1. Painting 10 consists of individual impressions 12 of an infant's posterior arranged in an abstract design, with each impression being
20 generally heart-shaped. A plurality of impressions are made by applying paint to an infant's posterior and "stamping" the painted posterior onto a prepared surface (or background media). It may be appreciated that the orientation of each individual impression is selected to obtain a desired end result. If desired, other elements may be added to the painting using a paint brush or other
25 implement.

More particularly, unique products are created in accordance with the method steps shown in Fig. 2, by first preparing a surface (step 22), dipping the posterior of an infant in a shallow reservoir of paint (step 24), and stamping the paint-covered posterior on the surface (step 26). The dipping
30 and stamping steps 24 and 26 are repeated several times until the desired

density, placement and color combination of impressions are made. Most preferably, the infant is at most six months old. Six months of age or younger is preferable because the infant is not too active and can be handled more easily than an older infant. A more detailed method is shown in Fig. 3, and

5 includes the steps of preparing the covering, preparing the background media, preparing the paints, dipping the posterior of the infant, stamping the posterior of the infant on the background media, and after drying, spraying the fixative on the paint. The steps of dipping and stamping can be repeated as often as desired, with the optional step of cleaning the infant's posterior when changing

10 paint colors.

Referring now to Figs. 4 and 5, when practicing the method of the present invention, it is desirable to utilize a plastic, paper or cloth protective covering 31, preferably approximately 4' x 4', to protect the floor, carpet or other work surface from paint. Protective covering 31 can be larger or smaller

15 depending on the work surface on which the method is performed. While a plastic covering is preferred, butcher paper is also acceptable. Newspaper can be used but is not preferred, because it increases the chances of smudging any final work product.

The method of the present invention is most preferably practiced with at

20 least one shallow reservoir 32 containing paint into which the infant's posterior is dipped. While reservoir 32 may be a bowl, pie tin, baking pan or plate-shaped reservoir, most preferably reservoir 32 is a plastic plate of approximately 10¼ to 10 3/8" in diameter. Although plastic plates are preferred, paper plates can also be used. Plate shaped reservoirs 32 are

25 preferred because the paint easily spreads in a consistently thin layer over the surface of the plate, with the circumferential upper extending lip of the plate maintaining the paint inside the plate. However, the lip of such plates do not extend so high as to interfere with the application of the paint to the infant's posterior during dipping. More than one reservoir 32 should be used if a

30 plurality of different colored impressions are to be made.

5

10

15

20

25

The painting materials are then prepared. First, reservoirs 32, such as paper plates, are positioned on protective covering 31. Reservoirs 32 serve as

a palate for paints 33, and one paper plate should be used for each color. Next, paint 33 is poured into reservoirs 32 to a depth 1/16" to 1/8". Filling reservoirs 32 with paint 33 over 1/8" deep results is an unnecessarily messy process, while underfilling reservoirs 32 with paint 33 below 1/16" deep does
 5 not allow for repeated dipping and stamping. Paint 33 may be distributed evenly in reservoirs 32 with a small paint brush 35 or artist's sponge.

The infant's posterior is then dipped into a reservoir 32 and covered with paint 33. It is desirable to roll the infant slightly for good coverage. There are two different ways to hold the infant to obtain desirable dipping
 10 results. If the infant has good head and neck control, the infant can be positioned facing away from the adult, who securely grasps each of the infant's thighs with one hand, gently pressing the thighs together. The infant's body should rest against the forearms and elbows of the adult. The posterior of the infant can then be dipped into the reservoir. If the infant does not have good
 15 neck and head control, then the infant's head and neck should be supported with one hand, while placing the other hand under the infant's thighs. In this position, the infant's posterior is dipped into the reservoir and covered with paint.

The painted posterior is then stamped or pressed on the background
 20 media 34. It is preferable to roll the infant's posterior slightly when in contact with the background media to create a clear print 12. If the infant is held in the first manner described above, the infant is rolled gently forward, away from the adult, for an optimal print. If the infant is held in the second manner described above, an optimal posterior print is obtained by rolling the infant
 25 either forward or side to side, depending on the orientation of the infant with respect to the adult.

The posterior of the baby is then cleaned with a wipe. Thereafter, the dipping, stamping and cleaning steps may be repeated to obtain a desired result. It can be readily appreciated that the prints can be placed in a random
 30 or regular pattern. For example, all prints may be oriented in one direction.

The prints may appear to be hearts, flowers, other objects or an abstract design.

It is not necessary to let one color or stamp dry before proceeding to the next color stamp. The bleeding of one color into another can be part of the effect of the end result. If a runny look is desired, then the reservoir should be filled to a greater depth with paint. If a splotchy effect is desired, less paint should be placed in the reservoir.

Optionally, the printed product may be treated with a fixative agent in preferably spray form. A suitable fixative agent is a no odor matte fixative offered under the trade name Blair. The fixative sets the paint after drying.

Materials for practicing the method of the presented are presented in kit form, as shown in Figs. 4, 5 and 6. The preferred kit 40 shown in Figs. 4 and 5 a plastic sheet floor covering 31, a plurality of plate reservoirs 32 to hold the paint 33, a plurality of paint colors 33 for use, and a painting tool 35, such as a paint brush, one for each plate. Alternatively, the paint brush could be replaced with the poly-sponge, or a combination of paint brushes or poly-sponges could be included. A section of background media 36, such as poster board, is also included in the kit.

The package 40 for holding each of the materials to form the kit can include a blister pack, which has a cardboard, flexible backing piece 38 with instructions and illustrations on the back side thereof, and the required materials denoted above positioned on and attached to the front side of the backing piece. The materials are secured to backing piece 38 either by a shaped-conforming or rectangular plastic cover 39 fixed around its perimeter edge to the backing piece, such as by an adhesive material or staples. Plastic cover 39 is clear and allows the potential purchaser to view each of the materials easily. Advertisements and other information can be positioned on the plastic cover or the front surface of the backing piece. Backing piece 38 can have any shape, but is preferably rectangular. A hanging hole 41 having an

elongated laterally extending slot with a bite formed in its upper edge is found on the top edge of backing piece 38.

The orientation of the materials in package 40 is important for drawing the attention of the potential purchaser, and also for the efficient use of space, which reduces costs and increases density of packing on shelves. Preferably, in the top row of the package protective cover 31 is folded and positioned on the left portion of the top row, as shown in Fig. 4, and the plurality of paint bottles 33 are aligned in the right portion of the top row. Any number of paint bottles 33 could be included, however, preferably three paint bottles 33 are included to allow for a variety of uses and colors. In the second row of the package, a plurality of stacked plates 32 are positioned in the center of the second row with the paint brushes 35, one for each plate, positioned on either side of the plates. Plates 32 are stacked for efficient use of space. In the third row of the package, background media 34, such as poster board, is positioned. Packages can be made to either include or exclude the poster board as is desired for efficient shelf space usage and different product offerings. The background material could also be positioned between the paint bottles 33, reservoirs 32, protective cover 31 and paint brushes and the backing piece 38. This would help minimize the size of the package.

Fig. 5 shows an exploded view of the materials in the package 40 which forms the kit. Plastic cover 39 is attached to backing piece 38 at its curved periphery 42. Periphery portion 42 lays flat against backing piece 38 for a secure attachment.

Fig. 6 shows the same package as Fig. 5 with the poster board excluded. This allows the package to take up less shelf space, and provides an alternative to the full complement package.

The package could take different forms if desired, such as being enclosed in a brief-case type structure for portability and ease of repeated use.

Although the present invention has been described with a degree of particularity, it is understood that the present disclosure has been made by way of example, and changes in detail or structure may be made without departing from the spirit of the invention, as defined in the appended claims.

Although the present invention has been described with a degree of particularity, it is understood that the present disclosure has been made by way of example, and changes in detail or structure may be made without departing from the spirit of the invention, as defined in the appended claims.

CLAIMS

I claim:

1. A method of painting on a work surface using the posterior of an infant, said method comprising the acts of:
 - preparing a protective covering on the work surface;
 - preparing the background media by placing it on said protective covering on the work surface;
 - placing a reservoir on said protective covering;
 - filling the reservoir with a paint;
 - dipping the posterior of the infant in said paint; and
 - stamping the posterior on said background media to create
- 10 stamping prints.
 2. A method as defined in claim 1, wherein:
 - said dipping and said stamping steps are repeated in sequence.
 3. A method as defined in claim 1, further comprising the act of:
 - spraying a fixative agent on said background material to set said stamping prints.
 4. A method as defined in claim 2, further comprising the act of:
 - spraying a fixative agent on said background material to set said stamping prints.
 5. A method as defined in claim 1, wherein said filling step further comprises:
 - filling said reservoir with paint to a depth of between $1/16^{\text{th}}$ of an inch to $1/8^{\text{th}}$ of an inch.
 6. A method as defined in claim 1, wherein said filling step further comprises:
 - filling said reservoir with paint to a depth less than $1/8^{\text{th}}$ of an inch.
 7. A method as defined in claim 1, wherein said filling step further comprises:

filling said reservoir with paint to a depth greater than 1/16th of an inch.

8. A package kit containing articles for painting using the posterior of an infant, said package kit containing:

a flat, flexible backing piece;

a protective cover folded into a compact size attached to said
5 backing piece;

a plurality of paint bottles attached to said backing piece;

a plurality of reservoirs attached to said backing piece;

a plurality of painting tools attached to said backing piece;

a plastic cover having a periphery, said plastic cover positioned
10 over said protective cover, plurality of paint bottles, plurality of reservoirs, and plurality of paint brushes, and attached around its peripheral edge to said backing piece.

9. A kit as defined in claim 8, further comprising:

background media attached to said backing piece and under said
cover.

10. A kit as defined in claim 8, wherein said painting tools are paint
brushes.

11. A kit as defined in claim 8, wherein said painting tools are poly-
brushes.

12. A kit as defined in claim 8, wherein said painting tools are a
combination of poly-brushes and paint brushes.

13. A kit as defined in claim 8, wherein said plurality of reservoirs
comprise a plurality of plates.

14. A kit as defined in claim 13, wherein said plates are stacked for
efficiency space usage.

15. A kit as defined in claim 8, wherein:

said backing piece is partitioned into two rows, each row having
a left, center and right portions; and wherein:

- 5 said first row;
- said plurality of paint bottles are positioned in said right
portion of said first row;
- said plurality of reservoirs are positioned in said center of
said second row;
- 10 said plurality of painting tools are positioned partially on
in the left portion and partially in the right portion of said second row.
16. A kit as defined in claim 15, further comprising:
 a third row; and
 a background media positioned in said third row.
17. A kit as defined in claim 15, wherein said backing piece is
rectangular.

09216633-121898

ABSTRACT

A unique painting process and an associated kit including the materials required for practicing the method. The method includes the acts of preparing a protective covering on a work surface, preparing a background media by placing it on the protective covering on the work surface, placing a reservoir on the protective covering, filling the reservoir with a paint, dipping the posterior of the infant in the paint, and stamping the posterior on the background media to create stamping prints. The kit of the present invention includes a flat, flexible backing piece, a protective cover folded into a compact size attached to the backing piece, a plurality of paint bottles attached to the backing piece, a plurality of reservoirs attached to the backing piece, a plurality of painting tools attached to the backing piece, and a plastic cover having a periphery, the plastic cover positioned over the protective cover, plurality of paint bottles, plurality of reservoirs, and plurality of paint brushes, and attached around its peripheral edge to the backing piece.

094633 J 2189



0216938 13189



0541533 121893



h32

**COMBINED DECLARATION AND POWER
OF ATTORNEY FOR PATENT APPLICATION**

DECLARATION:

As the below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a utility patent is sought on the invention entitled PAINTING KIT AND RELATED METHOD, the specification of which is identified as Serial No. _____, filed December ____, 1998.

The person named as inventor in this application is Elise COHEN.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a), as attached.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- ☒ no such applications have been filed.
☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119/365

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

POWER OF ATTORNEY:

As a named inventor, I hereby appoint the following patent attorneys to prosecute this application and transact all business in the Patent Office connected therewith:

Lee R. Osman, Reg. No. 38,260;
William J. Kubida, Reg. No. 29,664;
F.A. "Sandy" Sirr, Reg. No. 17,265;
Earl C. Hancock, Reg. No. 19,472;
Carol W. Burton, Reg. No. 35,465;
John R. Wahl, Reg. No. 33,044;
Stuart T. Langley, Reg. No. 33,940;

James A. Pinto, Reg. No. 40,774; and
Robert G. Crouch, Reg. No. 34,806; and
Robert H. Kelly, Reg. No. 33,922.

Send all correspondence relating to this matter to:

Lee R. Osman, Esq.
HOLLAND & HART LLP
555 17th Street, Suite 3200
P.O. Box 8749
Denver, Colorado 80201-8749

Direct all telephone calls to **Lee R. Osman** at (303) 295-8589.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name:	Elise COHEN
Inventor's Signature:	
Date:	
Residence: (City, State and/or Country)	Aspen, Colorado
Citizenship:	U.S.A.
Post Address Office:	814 West Bleeker, Unit C-3 Aspen, Colorado 81611

Inventor's Full Name:	
Inventor's Signature:	
Date:	
Residence: (City, State and/or Country)	
Citizenship:	
Post Address Office:	

§ 1.56 duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Each other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent or inventor.